

II. RESPONSE TO OFFICE ACTION

A. Status of the Claims

Claims 54-84 were pending at the time of the Office Action. Claims 55, 56, 58, 60, 61, 63-65, 67, 80, and 84 have been amended in the amendment set forth herein. Claim 54 has been canceled without prejudice or disclaimer. No new claims have been added. Therefore, claims 55-84 are now pending and presented for reconsideration.

Regarding the amendments, claim 84 has been written to be in independent form. Claims 56, 58, 60, 61, 63-65, 67, 80 have been amended to depend from claim 84 rather than claim 54. Written description support for the amendments to claim can be found generally throughout the specification, such as in the claims as originally filed.

B. The Provisional Rejections Under the Judicially Created Doctrine of Obviousness-type Double Patenting

The Examiner has set forth provisional rejections of four subsets of claims under the judicially created doctrine of obviousness-type double patenting based on copending Applications No. 10/732,919, 09/599,152, 10/672,763, and 10/703,405. Without conceding that the claims at issue are obvious in view of the cited claims in these applications, Applicants agree to file a terminal disclaimer as to 09/599,152, as this case has recently been allowed. Regarding the remaining three co-pending patent applications, Applicants will seriously consider filing a terminal disclaimer once the rejections are no longer provisional.

C. The Rejections Under 35 U.S.C. §103(a) have been Overcome

Claims 54-68, 70, and 80 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Dean *et al.* (U.S. Patent 5,716,596). According to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the

teachings of Dean *et al.* and generate a method of delivering a radionuclide using labeled bis-aminoethane thiol (BAT) targeting ligand conjugates since Dean *et al.* is said to disclose use of BAT targeting ligand conjugates which may be administered to humans for diagnostic and therapeutic purposes. Applicants respectfully traverse.

Applicants point out that claim 84 was not at issue in this rejection, and was considered to be nonobvious. Claim 84 has been amended to be in independent form, claim 54 has been canceled, and claims 55, 56, 58, 60, 61, 63-65, 67, 80 have been amended to depend from claim 84 rather than claim 54. Therefore, because each of the claims at issue in this rejection now depend from claim 84, this rejection is rendered moot.

D. Conclusion

It is submitted that in light of the foregoing, the invention embraced by the pending claims has been shown to be patentable, and favorable reconsideration is earnestly solicited. The Examiner is invited to contact the undersigned attorney at (512) 536-5639 with any questions, comments or suggestions relating to the referenced patent application.

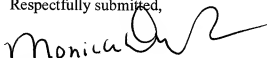
III. REQUEST FOR EXTENSION OF TIME

Pursuant to 37 C.F.R. § 1.136(a), Applicants petition for an extension of time of one month to and including June 21, 2006, in which to respond to the Office Action dated February 21, 2006.

Pursuant to 37 C.F.R. § 1.17, fees are being paid concurrently herewith. It is believed that no additional fees are due, however, should any be required, under 37 C.F.R. §§ 1.16 to 1.21 for any reason relating to the enclosed materials, or should an overpayment be included herein,

the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No. 50-1212/UTSC:664USC2/10536. The Examiner is invited to contact the undersigned attorney at (512) 536-5639 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Monica", followed by a stylized, flowing line that extends to the right.

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